

10/509533

DTG 10/509533 23 SEP 2004

Practitioner's Docket No. 701586-52522

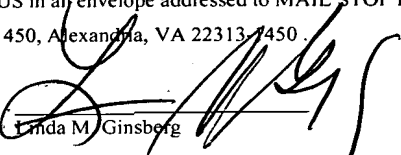
PATENT

## IN THE UNITED STATES RECEIVING OFFICE

PCT/US03/08743	25 March 2003 25.03.2003	25 March 2002 (25.03.2002)
International Application Number	International Filing Date	International Earliest Priority Date

**TITLE OF INVENTION: METHOD OF USING ANTI-APOPTOTIC FACTORS IN GENE EXPRESSION**

**APPLICANT(S) FOR EO/DO: THE TRUSTEES OF BOSTON UNIVERSITY**  
**INVENTOR(S)/APPLICANT(S) FOR US: David J. WAXMAN and Pamela S. SCHWARTZ**

CERTIFICATE OF MAILING	
I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as Express Mail Label No. ET 868713267 US in an envelope addressed to MAIL STOP PCT, Commissioner of Patents, Box 1450, Alexandria, VA 22313-1450.	
Date: September <u>23</u> , 2004	 Linda M. Ginsberg

**MAIL STOP PCT**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir/Madam:

**INFORMATION DISCLOSURE STATEMENT**

In accordance with the provisions of 37 C.F.R. §1.56, 1.97, and 1.98, Applicants wish to bring to the Examiner's attention the following references, References A1-A3, B1 and C1 cited in the attached Form PTO/SB/08a and b:

**REMARKS**

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- X   (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or
- (2) within three months of the mailing date of the PCT International Search Report; or

- \_\_\_\_\_ (3) after the period defined in (1) but before the mailing date of a **Final Rejection or Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- \_\_\_\_\_ (4) after the mailing date of a **Final Rejection or Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

X A copy of the International Search Report is enclosed herewith.

It is respectfully requested that each of the documents shown on the attached form(s) PTO/SB/08a and b be made of record in this application.

Copies of these documents (CHECK ONE):

X are enclosed herewith; or

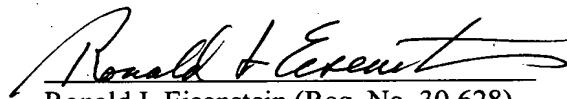
\_\_\_\_\_ have been cited in the parent application, and are thus not being resubmitted herein.

#### FEE AUTHORIZATION

The Commissioner is authorized to charge fee deficiencies or credit overpayments associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

Date: September 23, 2004

Respectfully submitted,



Ronald I. Eisenstein (Reg. No. 30,628)  
Leena H. Karttunen (37 C.F.R. 10.9(b))  
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PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	To be assigned
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Filing Date	Herewith
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First Named Inventor	David J. Waxman
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Art Unit	To be assigned
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Examiner Name	To be assigned
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Attorney Docket Number	701586-52522
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## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	B1	WO 98/46637 A2	10/22/1998	ARCH DEVELOPMENT CORPORATION et al.		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08b (08-03)

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**(Use as many sheets as necessary)**

**Complete if Known**

Application Number

**To be assigned**

Filing Date

Herewith

First Named Inventor

**David J. Waxman**

Art Unit

**To be assigned**

Examiner Name

**To be assigned**

Attorney Docket Number

701586-52522

Sheet

1

of

1

### NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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